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John p. Ruckart

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EXAMINER

HASHEM, LISA

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/086,338	Applicant(s) RUCKART, JOHN P.	
	Examiner LISA HASHEM	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6,7,9-18 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6,7,9-18,20-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12-16-2008 have been fully considered but they are not persuasive.

In response to applicant's argument that the references, Moon in view of Dutta used in the last outstanding office action, fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., if the hold function is not enabled, the device alerts the user that a call is incoming and after alerting the user of the incoming call, the device determines whether a key or button on the device is depressed by the user if the user desires to place a call on hold prior to answering) noted in section 0044, lines 1-11 of the specification are not recited in the rejected independent claim(s) 6, 14, and 17. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant did amend the independent claims, however the claims do not recite: 'if the hold function is not enabled, the device alerts the user that a call is incoming and after alerting the user of the incoming call, the device determines whether a key or button on the device is depressed by the user if the user desires to place a call on hold prior to answering'.

2. Applicant argues that Moon in view of Dutta do not disclose 'determining whether the called party has pressed a button on the telecommunications device to enable a hold function' recited in the independent claims 6, 14, and 17. Examiner disagrees. Moon discloses a called party presses a meeting mode control button (Fig. 4, 52) to display a meeting mode screen (Fig. 5A, 54) in order for the called party to enable a hold function while the called party is in a meeting (Fig. 5A, 64, 69) (col. 5, lines 31-44; col. 6, lines 6-13). Dutta discloses a mobile telephone in Figures 2 and 4 that has a hold button (Fig. 2, 250) that can be pressed by a called party to enable a hold function on an incoming call (col. 3, lines 41-45; col. 4, lines 22-25).

Thus, the prior art discloses the claimed invention.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 7, 9, 10, 12, 13, 17, 18, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,418,309 by Moon et al, hereinafter Moon in view of Dutta.

Regarding claim 6, Moon discloses a method of handling an incoming call (col. 1, line 60 – col. 2, line 27) to a telecommunications device (i.e. portable intelligent communications device) (Fig. 1, 10; col. 3, line 53 – col. 4, line 41) from a calling party (i.e. caller) to a called party (i.e. user of the portable intelligent communications device) (col. 5, line 64 – col. 6, line 6), the method comprising:

receiving one or more parameters of a hold function,

wherein the parameters include a user input predetermined time period (Fig. 4: Meeting from 9 a.m. to 10 a.m.; col. 5, lines 16-30 and lines 50-63) during which the incoming call is placed on hold, (col. 6, lines 1-16; col. 7, lines 10-25), the user input predetermined time period during which the incoming call is placed on hold being obtained by interfacing with a scheduling program (i.e. calendar/to do list software application; Fig. 3, 48; col. 5, lines 16-30 and lines 50-63);

if the hold function is enabled based on the one or more parameters of the hold function (i.e. meeting mode is set; col. 7, lines 10-30), automatically answering the call if the call corresponds

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to the one or more parameters of the hold function and placing the call on hold (col. 4, line 55 – col. 5, line 3; col. 5, lines 16-30 and lines 50-63; col. 6, lines 6-13),

the automatically answering the call and placing the call on hold being performed without input from the called party at the time of the call (i.e. meeting mode of operation is activated

automatically through a calendar/to do list software application (Fig. 3, 48); the operation

answers the call automatically and the operation places the call on hold) (col. 1, line 60 – col. 2, line 27; col. 4, line 55 – col. 5, line 3; col. 5, lines 16-30 and lines 50-63; col. 7, lines 10-30);

if the hold function is not enabled (i.e. called party is not in meeting mode) (col. 7, lines 10-30),

directly ringing a called party device (i.e. portable intelligent communications device) (col. 1, lines 37-44);

determining whether the called party has pressed a button (Fig. 4, 52) on the telecommunications device to enable a hold function

(i.e. Moon discloses a called party presses a meeting mode control button (Fig. 4, 52) to display a meeting mode screen (Fig. 5A, 54) in order for the called party to enable a hold function while the called party is in a meeting (Fig. 5A, 64, 69) (col. 5, lines 31-44; col. 6, lines 6-13));

playing a message (Fig. 5A, 69) to the calling party that the call has been placed on hold (col. 6, lines 6-13);

and

connecting the called party to the calling party when the called party answers the call (col. 6, lines 6-13).

Moon discloses a user input predetermined time period during which the incoming call is placed on hold. However, Moon does not disclose a list including at least one predetermined potential calling party from whom incoming calls are placed on hold.

Dutta discloses a method of handling an incoming call to a telecommunications device (i.e. mobile telephone) (Fig. 2, 200; col. 3, lines 27-50) from a calling party (i.e. caller) to a called party (i.e. user of mobile telephone) (col. 2, lines 21-36), the method comprising: receiving one or more parameters of a hold function, wherein the parameters include an environment during which the incoming call is placed on hold, (col. 5, lines 25-39), and a list (i.e. list of selected callers) including at least one predetermined potential calling party (i.e. important caller) from whom incoming calls are placed on hold (col. 2, lines 21-36; col. 5, lines 1-24; col. 5, lines 60-67), the environment during which the incoming call is placed on hold being obtained by interfacing with a Bluetooth server (col. 2, lines 21-36; col. 5, lines 25-59); if the hold function is enabled based on the one or more parameters of the hold function (col. 5, lines 40-50), automatically placing the call on hold (col. 5, lines 51-62), the placing the call on hold being performed without input from the called party at the time of the call (col. 5, lines 64-67); if the hold function is not enabled (i.e. calling party is not in a designated environment), directly ringing a called party device (i.e. mobile telephone) (col. 3, lines 8-13; col. 6, lines 2-13); determining whether the called party has pressed a button (Fig. 2, 250) on the telecommunications device to enable a hold function

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(i.e. Dutta discloses a mobile telephone in Figures 2 and 4 that has a hold button (Fig. 2, 250) that can be pressed by a called party to enable a hold function on an incoming call (col. 3, lines 41-45; col. 4, lines 22-25)); and connecting the called party to the calling party when the called party answers the call (col. 5, line 67 – col. 6, line 1).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Moon to include a list including at least one predetermined potential calling party from whom incoming calls are placed on hold as taught by Dutta. One of ordinary skill in the art would have been lead to make such a modification of Moon to notify the telecommunications device of an important calling party, such as using the list of Dutta, to the telecommunications device of Moon so the telecommunications device of Moon can automatically determine if the incoming call should be placed on hold based on the identity of the calling party. The benefit of a list of important calling parties is to connect an important calling party to a called party when the called party is in a meeting and can not disturb others.

Regarding claim 7, the method of claim 6, wherein Moon discloses determining whether the called party has enabled a hold function (col. 5, lines 51-53; col. 7, lines 10-42).

Regarding claim 9, the method of claim 6, wherein Moon discloses alerting the called party of the incoming call (col. 6, lines 6-13).

Regarding claim 10, the method of claim 6, wherein Moon discloses connecting the calling party to a voicemail system when the called party does not answer the call within a predetermined time period (Fig. 4: Meeting from 9 a.m. to 10 a.m.; col. 5, lines 16-30 and lines 50-63; col. 6, lines 1-6).

Regarding claim 12, the method of claim 6, wherein Moon discloses playing a message to the calling party includes playing a pre-recorded message stored in a memory device resident on the telecommunications device (col. 6, lines 6-10).

Regarding claim 13, the method of claim 6, wherein Dutta discloses connecting the call to a voicemail system when the called party presses a button on the telecommunications device (col. 5, line 67 – col. 6, line 2).

Regarding claim 17, Moon discloses an apparatus (i.e. portable intelligent communications device) (Fig. 1, 10; col. 3, line 53 – col. 4, line 41) comprising:
means for receiving one or more parameters of a hold function,
wherein said parameters include a user input predetermined time period (Fig. 4: Meeting from 9 a.m. to 10 a.m.; col. 5, lines 16-30 and lines 50-63) during which the incoming call is placed on hold, (col. 6, lines 1-16; col. 7, lines 10-25) and
at least one potential calling party (i.e. incoming caller) from whom incoming calls are placed on hold (col. 5, line 64 – col. 6, line 6), the user input predetermined time period during which the incoming call is placed on hold being obtained by interfacing with a scheduling program (i.e. calendar/to do list software application; Fig. 3, 48; col. 5, lines 16-30 and lines 50-63);
means for automatically answering a call placed by a calling party (i.e. caller) to a called party (i.e. user of the device) if the hold function is enabled (i.e. meeting mode is set; col. 7, lines 10-30) and placing the call on hold, if the call corresponds to the one or more parameters and
placing the call on hold (col. 4, line 55 – col. 5, line 3; col. 5, lines 16-30 and lines 50-63; col. 6, lines 6-13), the automatically answering the call and placing the call on hold (col. 6, lines 6-13) being performed without input from the called party at the time of the call (i.e. meeting mode of

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operation is activated automatically through a calendar/to do list software application (Fig. 3, 48); the operation answers the call automatically and the operation places the call on hold) (col. 1, line 60 – col. 2, line 27; col. 4, line 55 – col. 5, line 3; col. 5, lines 16-30 and lines 50-63; col. 7, lines 10-30);

means for directly ringing a called party device (i.e. portable intelligent communications device) (col. 1, lines 37-44) if the hold function is not enabled (i.e. called party is not in meeting mode) (col. 7, lines 10-30);

means for determining whether the called party has pressed a button (Fig. 4, 52) on the telecommunications device to enable a hold function

(i.e. Moon discloses a called party presses a meeting mode control button (Fig. 4, 52) to display a meeting mode screen (Fig. 5A, 54) in order for the called party to enable a hold function while the called party is in a meeting (Fig. 5A, 64, 69) (col. 5, lines 31-44; col. 6, lines 6-13));

means for playing a message to the calling party that the call has been placed on hold (col. 6, lines 6-13) and

means for connecting the called party to the calling party when the called party answers the call (col. 6, lines 6-13).

Moon discloses a user input predetermined time period during which the incoming call is placed on hold. However, Moon does not disclose a list including at least one predetermined potential calling party from whom incoming calls are placed on hold.

Dutta discloses an apparatus (i.e. mobile telephone) (Fig. 2, 200; col. 3, lines 27-50) (col. 2, lines 21-36), comprising:

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means for receiving one or more parameters of a hold function, wherein said parameters include an environment during which the incoming call is placed on hold (col. 5, lines 25-39), and a list (i.e. list of selected callers) including at least one predetermined potential calling party (i.e. important caller) from whom incoming calls are placed on hold (col. 2, lines 21-36; col. 5, lines 1-24; col. 5, lines 60-67), the environment during which the incoming call is placed on hold being obtained by interfacing with a Bluetooth server (col. 2, lines 21-36; col. 5, lines 25-59);

means for automatically answering a call placed by a calling party (i.e. caller) to a called party (i.e. user of the mobile telephone) if the hold function is enabled (col. 5, lines 40-50) and placing the call on hold (col. 5, lines 64-67), if the call corresponds to the one or more parameters and placing the call on hold (col. 5, lines 51-62), the placing the call on hold being performed without input from the called party at the time of the call (col. 5, lines 64-67);

means for directly ringing a called party device (i.e. mobile telephone) if the hold function is not enabled (i.e. calling party is not in a designated environment) (col. 3, lines 8-13; col. 6, lines 2-13);

means for determining whether the called party has pressed a button (Fig. 2, 250) on the telecommunications device to enable a hold function

(i.e. Dutta discloses a mobile telephone in Figures 2 and 4 that has a hold button (Fig. 2, 250) that can be pressed by a called party to enable a hold function on an incoming call (col. 3, lines 41-45; col. 4, lines 22-25));

and means for connecting the called party to the calling party when the called party answers the call (col. 5, line 67 – col. 6, line 1).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Moon to include a list including at least one predetermined potential calling party from whom incoming calls are placed on hold as taught by Dutta. One of ordinary skill in the art would have been lead to make such a modification of Moon to notify the apparatus of an important calling party, such as using the list of Dutta, to the apparatus of Moon so the apparatus of Moon can automatically determine if the incoming call should be placed on hold based on the identity of the calling party. The benefit of a list of important calling parties is to connect an important calling party to a called party when the called party is in a meeting and can not disturb others.

Regarding claim 18, the apparatus of claim 17, wherein Moon discloses means for determining whether the called party has enabled a hold function (col. 5, lines 51-53; col. 7, lines 10-42).

Regarding claim 20, the apparatus of claim 17, wherein Moon discloses means for alerting the called party of the incoming call (col. 6, lines 6-13).

Regarding claim 21, the method of claim 6, wherein Moon discloses the receiving one or more parameters of the hold function is performed via a web interface (col. 3, line 65 – col. 4, line 13; col. 5, lines 16-30 and lines 51-53; col. 6, lines 17-24).

Regarding claim 22, the apparatus of claim 17, wherein Moon discloses the means for receiving one or more parameters of the hold function receives the one or more parameters via a web interface (col. 3, line 65 – col. 4, line 13; col. 5, lines 16-30 and lines 51-53; col. 6, lines 17-24).

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moon in view of Dutta, as applied to claim 6, and in further view of Okun.

Regarding claim 11, the method of claim 6, wherein Moon in view of Dutta do not disclose playing a message to the calling party includes playing a message that is resident on a services node of a telecommunications network.

Okun discloses a telecommunications network (see Figure 1a; section 0013), comprising:
a services node or serving MSC (Figure 1A, 118) for:

directly ringing a called party device if a hold function is not enabled (i.e. the call is completed) (section 0040);

determining whether an incoming call placed to a telecommunications device (Figure 1A, 126) by a calling party should be placed on hold prior to the call being answered by a user of the telecommunications device according to an incoming call hold service if the hold function is enabled (section 0040), the determining based on a user input during which the incoming call is placed on hold (section 0048; section 0057; section 0061); placing the incoming call on hold prior to the call being answered (section 0048; section 0057; section 0061); playing a message to the calling party that the call has been placed on hold (section 0048; section 0057; section 0061); and connecting the telecommunications device to the calling party if the user of the telecommunications device answers the incoming call (section 0040; section 0053).

Wherein Okun discloses playing a message to the calling party includes playing a message that is resident on a services node (i.e. serving MSC; Figure 1A, 118) of a telecommunications network (section 0057; section 0061).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Moon in view of Dutta to include playing a message to the calling party includes playing a message that is resident on a services node of a telecommunications network as taught by Okun. One of ordinary skill in the art would have been lead to make such a modification of Moon in view of Dutta to inform a calling party that a called party will answer the call utilizing the mobile switching center of Okun, to the method of Moon in view of Dutta so the method of Moon in view of Dutta can store a recording in a telecommunications network. The benefit of storing a recording at a system level is to minimize program code located within the telecommunications device of the calling party.

6. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moon in view of Dutta in further view of Okun.

Regarding claim 14, Moon discloses a telecommunications system (Fig. 2; Fig. 4) comprising:
determining whether an incoming call (col. 1, line 60 – col. 2, line 27) placed to a telecommunications device (i.e. portable intelligent communications device) (Fig. 1, 10) by a calling party (i.e. caller) should be placed on hold prior to the call being answered by a user of the telecommunications device (col. 6, lines 6-13) according to an incoming call hold service if the hold function is enabled (i.e. meeting mode is set; col. 7, lines 10-30), the determining based on a user input predetermined time period (Fig. 4: Meeting from 9 a.m. to 10 a.m.; col. 5, lines 16-30 and lines 50-63) during which the incoming call is placed on hold, (col. 6, lines 1-16; col. 7, lines 10-25), the user input predetermined time period during which the incoming call is

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placed on hold being obtained by interfacing with a scheduling program (i.e. calendar/to do list software application; Fig. 3, 48; col. 5, lines 16-30 and lines 50-63);

placing the incoming call on hold prior to the call being answered (col. 6, lines 6-13), the placing the call on hold being performed without input from the called party at the time of the call (i.e. meeting mode of operation is activated automatically through a calendar/to do list software application (Fig. 3, 48); the operation answers the call automatically and the operation places the call on hold) (col. 1, line 60 – col. 2, line 27; col. 4, line 55 – col. 5, line 3; col. 5, lines 16-30 and lines 50-63; col. 7, lines 10-30);

if the incoming call is not to be placed on hold based on the incoming call hold service, directly ringing a called party device (i.e. portable intelligent communications device) (Fig. 1, 10; col. 3, line 53 – col. 4, line 41) if the hold function is not enabled (i.e. called party is not in meeting mode) (col. 7, lines 10-30);

determining whether the called party has pressed a button (Fig. 4, 52) on the telecommunications device to enable a hold function

(i.e. Moon discloses a called party presses a meeting mode control button (Fig. 4, 52) to display a meeting mode screen (Fig. 5A, 54) in order for the called party to enable a hold function while the called party is in a meeting (Fig. 5A, 64, 69) (col. 5, lines 31-44; col. 6, lines 6-13));

playing a message to the calling party that the call has been placed on hold (col. 6, lines 6-13) and

connecting the telecommunications device to the calling party if the user of the telecommunications device answers the incoming call (col. 6, lines 6-13).

Moon discloses the portable intelligent communications device performing the hold function and a user input predetermined time period during which the incoming call is placed on hold. However, Moon does not disclose a system comprising a home location register, services node, and mobile switching center implementing the hold function and a list including at least one predetermined potential calling party from whom incoming calls are placed on hold.

Dutta discloses a telecommunications system (Figures: 1, 2, 6), comprising: a services node (Fig. 7, 701; i.e. computer system; col. 6, lines 14-17; col. 6, line 53 - col. 7, line 9) for: determining whether an incoming call placed to a telecommunications device (i.e. mobile telephone) (Fig. 2, 200; col. 3, lines 27-50) by a calling party (i.e. caller) should be placed on hold prior to the call being answered by a user of the telecommunications device according to an incoming call hold service if the hold function is enabled (col. 5, lines 40-50), the determining based on an environment during which the incoming call is placed on hold, (col. 5, lines 25-39), and a list (i.e. list of selected callers) including at least one predetermined potential calling party (i.e. important caller) from whom incoming calls are placed on hold (col. 2, lines 21-36; col. 5, lines 1-24; col. 5, lines 60-67), the environment during which the incoming call is placed on hold being obtained by interfacing with a Bluetooth server (col. 2, lines 21-36; col. 5, lines 25-59); placing the incoming call on hold prior to the call being answered (col. 5, lines 51-62), the placing the call on hold being performed without input from the called party at the time of the call (col. 5, lines 64-67);

if the incoming call is not to be placed on hold based on the incoming call hold service, directly ringing a called party device (i.e. mobile telephone) (col. 3, lines 8-13; col. 6, lines 2-13) if the hold function is not enabled (i.e. calling party is not in a designated environment);

determining whether the called party has pressed a button (Fig. 2, 250) on the telecommunications device to enable a hold function (i.e. Dutta discloses a mobile telephone in Figures 2 and 4 that has a hold button (Fig. 2, 250) that can be pressed by a called party to enable a hold function on an incoming call (col. 3, lines 41-45; col. 4, lines 22-25)); and connecting the telecommunications device to the calling party if the user of the telecommunications device answers the incoming call (col. 5, line 67 – col. 6, line 1).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Moon to include a list including at least one predetermined potential calling party from whom incoming calls are placed on hold as taught by Dutta. One of ordinary skill in the art would have been lead to make such a modification of Moon to notify the telecommunications device of an important calling party, such as using the list of Dutta, to the telecommunications device of Moon so the telecommunications device of Moon can automatically determine if the incoming call should be placed on hold based on the identity of the calling party. The benefit of a list of important calling parties is to connect an important calling party to a called party when the called party is in a meeting and can not disturb others.

Moon in view of Dutta discloses a list including at least one predetermined potential calling party from whom incoming calls are placed on hold. However, Moon in view of Dutta do not disclose a system comprising a home location register, services node, and mobile switching center implementing the hold function.

Okun discloses a telecommunications system (see Figure 1a; section 0013), comprising a home location register (Figure 1A, 110) for storing a profile of a user of a telecommunications

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device (Figure 1A, 126), wherein the profile includes an indication of whether the user is a subscriber to an incoming call hold service implemented by the telecommunications system (i.e. a subscriber profile indicates determining whether a text or voice message is preferred for a calling party in order to send a message to a calling party that is on hold) (section 0014; section 0036; section 0039; section 0040; section 0044; section 0077);

a services node or serving MSC (Figure 1A, 118) for:

determining whether an incoming call placed to the telecommunications device by a calling party should be placed on hold prior to the call being answered by the user of the telecommunications device according to the incoming call hold service if the hold function is enabled (section 0040), the determining based on a user input during which the incoming call is placed on hold (section 0048; section 0057; section 0061); placing the incoming call on hold prior to the call being answered (section 0048; section 0057; section 0061); if the incoming call is not to be placed on hold based on the incoming call hold service, directly ringing a called party device if the hold function is not enabled (i.e. the call is completed) (section 0040); determining whether the called party has pressed a button (i.e. key) on the telecommunications device to enable a hold function (section 0061, lines 7-10; Fig. 3, 308);

playing a message to the calling party that the call has been placed on hold (section 0048; section 0057; section 0061); and connecting the telecommunications device to the calling party if the user of the telecommunications device answers the incoming call (section 0040; section 0053); and a mobile switching center or originating MSC (Figure 1A, 102) for facilitating communication between the telecommunications device, the services node, and the home location register (section 0054).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Moon in view of Dutta to include a telecommunications system comprising a home location register, services node, and mobile switching center implementing the hold function as taught by Okun. One of ordinary skill in the art would have been lead to make such a modification of Moon in view of Dutta to implement an incoming call hold function in a system, such as using the home location register, services node, and mobile switching center of Okun, to the telecommunications system of Moon in view of Dutta so the telecommunications system of Moon in view of Dutta can handle an incoming call according to a calling party's profile. The benefit of handling incoming calls at a system level is to minimize program code located within the telecommunications device of the calling party.

Regarding claim 15, the system of claim 14 mentioned above, wherein Okun discloses the services node includes an enunciator or IVR (section 0057; section 0061).

Regarding claim 16, the system of claim 15 mentioned above, wherein Okun discloses the enunciator is for playing a message to a calling party when a call is placed on hold (section 0057; section 0061; section 0062).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.

9. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LISA HASHEM whose telephone number is (571)272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Lisa Hashem/

Examiner, Art Unit 2614

/Fan Tsang/

Supervisory Patent Examiner, Art Unit 2614

March 13, 2009